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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : T. Venkat Gopal) Group Art Unit: 1636
Re. App. No. : 09/404,979)
Re. App. Filed: September 22, 1999)
For : PEPTIDE-MEDIATED)
GENE TRANSFER)
Assignee : Genetic Applications)
Patent No. : 5,670,347
Issued : September 23, 1997
Examiner : T. McKelvey

#8
M. J.
9/20/00

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
(37 CFR 1.175)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby declare that:

1. I am the named inventor of the above-identified reissue application, and have reviewed and understand the contents of the Amendment And Response To Office Action filed in this application on September 5, 2000.

2. I believe that I am the original, first, and sole inventor of the subject matter disclosed and claimed in the pending reissue application, including the Amendment and Response To Office Action filed on September 5, 2000.

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3. Every error in the patent which is being corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

4. This declaration is additionally to establish that at the time of the May 11, 1994 filing date of the present application, one of ordinary skill in the transfection art would not have known that a nuclear localization signal (NLS) peptide could be useful as a transfection vector to mediate DNA transfection, whether the NLS peptide occurred independently or "bipartite," namely linked through a hinge to a polymeric chain of basic amino acids. Additionally, one of ordinary skill in the transfection art would have understood the discussion in my patent specification as an illustration of the use of a NLS peptide as a transfection vector to mediate DNA transfection, where the NLS peptide appears not only independently but also in "bipartite" form, that is linked through a hinge to a polymeric chain of basic amino acids. Indeed, I regarded my invention to be the use of a NLS peptide as a transfection vector to mediate DNA transfection, such that when reduced to its most basic embodiment, the NLS peptide occurred independently and a mere preferred embodiment constituted the "bipartite" version where it was linked through a hinge to a polymeric chain of basic amino acids.

5. Notwithstanding the original claims, which are directed to the preferred embodiment, support for each alternative individually is located, for example, in the very first paragraph of the patent specification, which says, "More specifically, the present invention is directed to the use of a synthetic polypeptide, containing a nuclear localization signal, to complex with a DNA molecule and to facilitate its transportation and integration into the nuclear genome of a mammalian or other eukaryotic cell ..." Moreover, the patent specification reiterates at col. 7, last line of the first paragraph, which says, "There has been no suggestion heretofore, however, to use an NLS peptide to target a polynucleotide to the nucleus of a eukaryotic cell." Thus, the patent specification describes the precise embodiment now being claimed.

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6. Furthermore, I considered an extension of my invention to be a ligand attached to the transfection vector (either with or without a hinge), thus original Claim 8 is directed to the preferred embodiment, where the transfection vector is defined as the NLS peptide in its "bipartite" form. However, I also regarded a ligand being attached to the NLS peptide (either with or without a hinge) as an extension of my invention in its basic embodiment, where the transfection vector is defined as the NLS peptide in its independent form. The patent specification at the paragraph bridging col. 8 and 9 supports this nuance of the invention.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

Dated: 8/31/00

By: T. Venkat Gopal
T. Venkat Gopal

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